

PROB 12C  
(7/93)

Report Date: January 11, 2012

## United States District Court

for the

Eastern District of Washington

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JAN 11 2012

JAMES R. LARSEN, CLERK  
DEPUTY  
SPOKANE, WASHINGTON

## Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Nobel James Kelly

Case Number: 2:03CR00066-001

Address of Offender: Spokane, WA 99207

Name of Sentencing Judicial Officer: The Honorable William Fremming Nielsen, Senior U.S. District Judge

Date of Original Sentence: 1/15/2004

Original Offense: Possession With Intent to Distribute Over 5 Grams of Cocaine Base, 21 U.S.C. § 841(a)(1)

Original Sentence: Prison - 120 Months; TSR - 48 Months Type of Supervision: Supervised Release

Asst. U.S. Attorney: Thomas O. Rice Date Supervision Commenced: 7/26/2010

Defense Attorney: Kimberly A. Deater Date Supervision Expires: 7/25/2014

## PETITIONING THE COURT

**To issue a warrant.**

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number    Nature of Noncompliance1    **Standard Condition # 6:** The defendant shall notify the probation officer at least ten days prior to any change in residence or employment.

**Supporting Evidence:** Mr. Kelly reported to the U.S. Probation Office on January 9, 2012, and indicated he had moved from his approved residence at a local Oxford House, into the home of a female he had met 2 weeks prior. According to Mr. Kelly, the female he moved in with had a prior felony conviction for controlled substances.

Mr. Kelly provided this officer with the name, address, and phone number of this individual and a criminal records check was conducted. The criminal records check revealed the aforementioned criminal convictions, therefore, Mr. Kelly was denied approval of this residence.

Mr. Kelly had an appointment later that day with Spokane Mental Health to look for housing alternatives. Contact with Spokane Mental Health reveals that Mr. Kelly has met with them and they are working on alternative housing for him, as well as adjusting his medication due to his decreased mental health status.

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**Standard Condition # 9:** The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer.

**Supporting Evidence:** As noted above, Mr. Kelly moved from his approved residence to the home of a female companion which he knew had a prior felony, without the permission of his U.S. probation officer.

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**Special Condition # 18:** You shall complete a mental health evaluation and follow any treatment recommendations of the evaluating professional which do not require forced or psychotropic medication and/or inpatient confinement absent further order of the Court. You shall allow reciprocal release of information between the supervising officer and treatment provider. You shall contribute to the cost of treatment according to your ability to pay.

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**Special Condition # 19:** You shall take medications for the treatment as prescribed by the licensed mental health treatment provider.

**Supporting Evidence:** On January 11, 2012, Mr. Kelly came to the U.S. Probation Office extremely agitated. His Spokane Mental Health provider was contacted and Mr. Kelly was advised to go directly to their clinic to be seen and to acquire his new prescription. Mr. Kelly refused to leave the U.S. Probation Office and requested to be sent back to prison.

**Supporting Evidence:** On January 11, 2012, Mr. Kelly came to the U.S. Probation Office extremely agitated. His Spokane Mental Health provider was contacted and Mr. Kelly was recommended to go directly to their clinic to be seen and to acquire his new prescription. Mr. Kelly refused to leave the U.S. Probation Office and requested to be sent back to prison.

The U.S. Probation Office respectfully recommends the Court issue a warrant for the arrest of the defendant to answer the allegations contained in this petition.

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I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 01/11/2012

s/M.D. Elvin

M.D. Elvin  
Deputy Chief U.S. Probation Officer

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THE COURT ORDERS

- No Action
- The Issuance of a Warrant
- The Issuance of a Summons
- Other

  
Signature of Judicial Officer

1/11/12  
Date